



DEPARTMENT OF THE NAVY

U.S. NAVAL SUPPORT ACTIVITY

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NAVSUPPACT NAPLES INST 12630.6A

N023

16 JAN 2002

NAVSUPPACT NAPLES INSTRUCTION 12630.6A

From: Commanding Officer, U.S. Naval Support Activity, Naples,  
Italy

Subj: LEAVE ADMINISTRATION FOR U.S. CITIZEN EMPLOYEES

Ref: (a) 5 Code of Federal Regulations (CFR) Part 630  
(b) 5 CFR Part 610

1. Purpose. To promulgate policy and procedures per references  
(a) and (b).

2. Cancellation. NAVSUPPACT NAPLES INST 12630.6.

3. Scope. This instruction applies to all U.S. citizen  
civilian employees of appropriated fund activities serviced by  
the Human Resources Office (HRO), Naples, Italy, and its  
satellite offices in La Maddalena, Italy and Souda Bay, Greece.  
Employees serving in teaching positions in overseas Department  
of Defense Dependents Schools are excluded from coverage by this  
instruction.

4. Policy

a. References (a) and (b) provide basic regulations  
concerning leave administration. Supervisors and management  
officials requiring additional interpretation, guidance and  
assistance should contact the Labor Relations Division, HRO at  
DSN 626-5760.

b. Department heads should delegate approval of leave to the  
immediate supervisor or another appropriate official. Authority  
to approve/disapprove leave requests is accompanied by the  
responsibility to decide in a timely manner; to ensure the leave  
has been earned in the amount requested and is being requested  
for the proper reason(s); and to provide in writing the reason(s)  
for disapproving.

c. The application for leave, OPM 71, or other forms  
acceptable to the approving official, will be completed by the  
employee.

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d. An employee who is absent for reasons which could not be planned and/or approved in advance is required to notify his/her supervisor within two hours of the normal starting time on the first day of such absence, and each day beyond that which was originally requested of the supervisor.

e. Minimum charge to annual and sick leave is 15 minutes.

## 5. Annual Leave

a. Qualifying Period. Employees whose current employment is limited to less than 90 days are entitled to annual leave only after being currently employed for a continuous period of 90 days under successive appointments without a break in service. After completion of the 90-day period, the employee is entitled to be credited with the annual leave that would have accrued to him/her during that period.

b. Accrual Rates. Annual leave shall accrue and be credited for full-time employees whose basic workweek is 40 hours as follows for each full biweekly pay period:

(1) Full-time employees whose basic workweeks is 40 hours accrue annual leave each full biweekly pay period as follows:

(a) Less than three years of service - four hours.

(b) Three but less than 15 years of service - six hours; last pay period ten hours.

(c) Fifteen years or more of service - eight hours.

(2) Part-time employees accrue annual leave as follows:

(a) Less than three years of service - one hour for every 20 hours of duty.

(b) Three but less than 15 years of service - one hour for every 13 hours of duty.

(c) Fifteen years or more of service - 1 hour for every 10 hours of duty.

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c. Maximum Accumulation. The majority of federal employees may accumulate annual leave for later use up to a maximum of 30 days. Employees serving outside of the United States may accumulate 45 days of annual leave if they are in one of the categories covered in section 6304(b) of reference (a).

d. Restoration of Annual Leave

(1) Annual leave in excess of the maximum permissible carry-over must be automatically forfeited at the end of the leave year. However, Public Law 93-181 allows for restoration if one of the following conditions exists:

(a) Administrative error which causes the loss of annual leave otherwise accruable after 30 June 1960; all of the leave may be restored even though the error may have occurred before 30 June 1960.

(b) Scheduled and approved annual leave lost through exigencies of public business.

(c) Sickness during a period of scheduled annual leave, or forfeiture of annual leave due to employee's sickness or injury that occurred late in the leave year or was of such duration that the excess annual leave could not be rescheduled for use before the end of the leave year.

(2) An employee must schedule and use restored annual leave not later than the end of the leave year ending two years after:

(a) The date of restoration of the annual leave forfeited because of administrative error;

(b) The date fixed by the head of the agency or designee as the date of termination of the exigency of the public business; or

(c) The date the employee is determined to be recovered from illness or injury and able to return to duty.

e. Granting Annual Leave. Management has primary responsibility for planning and effectively scheduling annual leave for use throughout the leave year. In certain circumstances, annual leave that will accrue to an employee

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during the year may be advanced. The granting of leave will not be restricted to the extent that earned leave is forfeited by an employee because of the limitation on leave accumulation and lump-sum payment. Taking annual leave is an employee entitlement subject to management's right to fix the time at which leave may be taken.

f. Scheduling Annual Leave. Annual leave should be scheduled with supervisors no later than 1 April of each year. Employees should submit their preferred vacation dates to their respective supervisors before May of each year. Positive action should be taken to assure that annual leave is scheduled for use during the year so as to avoid forfeiture.

g. Requiring Annual Leave to be Taken. Management may direct the use of annual leave to the extent such credits are available for use or which can be advanced to the employee when the employee's services are not needed for short periods of time. Some examples are as follows:

(1) Unforeseen Circumstances. Employees who cannot be assigned other work may be required to take annual leave in cases of interrupted or suspended operations such as equipment breakdown, power failure, lack of material, transportation strikes, storms, floods or other natural phenomena which are beyond management's control.

(2) Planned Managerial Reasons. When, because of planned managerial reasons, the closing of all or part of an activity is required for short periods of time, employees will be notified no less than one full work shift in advance and will be required to take annual leave unless Leave Without Pay (LWOP) is requested.

(3) Requiring Absence When Annual Leave is Not Available. When the use of annual leave is directed and the employee has no accumulated annual leave available, he/she will be granted LWOP at his/her request or will be advanced annual leave not to exceed the expected leave accrual for the balance of the leave year. If neither LWOP nor advanced annual leave is requested by the employee, every effort should be made to assign him/her other duties elsewhere or to effect furlough procedures.

(4) Reduction of Annual Leave Balances. When an activity finds it necessary to reduce its potential liability for lump-sum

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leave payments and requires employees to reduce large annual leave balances, employees should be given the maximum notice possible. This requirement will be applied uniformly throughout the activity, insofar as practicable.

h. Lump-sum Payment. An employee who is separated from the service is entitled to receive a lump-sum payment for accumulated and current accrued annual leave to which the employee is entitled by statute.

i. Advance Annual Leave. If requested by the employee and approved by the supervisor, annual leave may be advanced in an amount not to exceed that which the employee will earn by the end of the leave year. When employees are serving under temporary appointment or in probationary period, advanced leave shall not exceed an amount which, reasonably assured, will subsequently be earned. Department Heads will forward requests to HRO for review and approval.

6. Sick Leave

a. Full-time employees shall accrue sick leave on the basis of four hours for each full biweekly pay period. Part-time employees accrue one hour for every 20 hours of work. There is no limit on the amount of sick leave an employee may accumulate. Sick leave shall be granted when an employee:

(1) Receives medical, dental, or optical examination or treatment.

(2) Is incapacitated for the performance of duties by physical or mental illness, injury, pregnancy or childbirth.

(3) Provides care for a family member as a result of physical or mental illness, injury, pregnancy, childbirth, or medical, dental, or optical examination or treatment.

(4) Makes arrangements for or attends the funeral of a family member.

(5) Would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his/her presence on the job because of exposure to a communicable disease.

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(6) Is absent from duty for purposes relating to the adoption of a child, including appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed. Up to 30 days of sick leave may be advanced for these purposes.

b. Family Member. The definition of family member for purposes of this paragraph is: spouse and parents thereof; children, including adopted children and spouses thereof; parents; siblings and spouses thereof; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

c. Family Friendly Leave Act (FFLA). The FFLA provides that full-time employees may use up to 40 hours of sick leave each year for reasons listed in paragraphs 6a (3), (4) and (6) above. For part-time employees or employees with an uncommon tour of duty, the basic amount of sick leave available under this act is equal to the average number of hours of work in the employee's scheduled tour of duty each week. Employees who maintain a balance of at least 80 hours of sick leave may use an additional 64 hours of sick leave each year for these purposes for a maximum of 104 hours per year. Prior to receiving donated leave under the voluntary leave transfer program, eligible employees must first use sick leave available under this Act. Evidence to support requests for sick leave under this act may be required when considered necessary by the approving official.

d. Sick Leave to Care for a Family Member with a Serious Health Condition. Full-time employees may use up to 12 administrative workweeks of sick leave each leave year to care for a family member with a serious health condition. If the employee previously has used any portion of the 13 days of sick leave for general family care or bereavement purposes mentioned in paragraph 6c above in a leave year, that amount must be subtracted from the 12-week entitlement. If an employee has already used 12 weeks of sick leave to care for a family member with a serious health condition, he/she cannot use an additional 13 days in the same leave year for general family care purposes. The term "serious health condition" includes such conditions as cancer, heart attacks, strokes, severe injuries, Alzheimer's disease, pregnancy and childbirth. The term "serious health condition" is not intended to cover short-term conditions for

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which treatment and recovery are very brief, such as the common cold, flu, earaches, upset stomach, headaches, dental and orthodontia problems. In support of the request for sick leave, employees must submit medical certification of the serious health condition. Only the first 40 hours of sick leave (or a proportional amount for an employee on a part-time schedule) may be advanced if requested.

e. Record Keeping. Activities/Departments must maintain records and controls of leave usage for reasons listed in paragraphs 6a(3), (4) and (6) above.

f. Granting Sick Leave. Requests for sick leave for medical, dental or optical examination or treatment shall be submitted for approval no later than three workdays prior to the appointment. In cases of illness where the employee requested while home or otherwise away from the worksite, requests for leave will be submitted within two workdays following the employee's return to duty. For periods of absence in excess of three workdays, an application for sick leave must be supported by a medical certificate, to be submitted within 15 days after return to duty. The employee's signed statement explaining the nature of his/her illness may be accepted for absences of more than three workdays when it is unreasonable to require a medical certificate because of a shortage of physicians, remoteness of locality, or because the illness does not require the services of a physician.

g. Abuse of Sick Leave. When it is believed that an employee may be abusing sick leave privileges, a medical certificate may be required to support an application for sick leave involving less than three work days. In such cases, the employee will first be advised that a medical certificate may be required to support any future grant of sick leave regardless of duration because of his/her questionable sick leave record. If this does not bring about improvement in the sick leave record, the employee should be issued a letter requiring that all future requests for sick leave be supported by a detailed medical statement. This letter will clearly articulate all requirements and conditions imposed, and should explain the reasons for the requirements. A letter of requirement may be grieved. The servicing HRO can assist in the development of this letter. Failure to comply with the letter of requirement is considered a disciplinary offense, and may be considered a basis for denying



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sick leave and carrying the employee in an AWOL status. The attendance record of employees required to submit a medical certificate for each absence on sick leave should be reviewed every six months. The requirement should be rescinded in writing at such time as improvement in the employee's sick leave record indicates that such action is warranted.

h. Advance Sick Leave. In cases of serious disability or illness, sick leave may be advanced, but not in excess of 30 days. In the case of employees serving under temporary appointments, advanced sick leave should not exceed an amount which is reasonably assured will be subsequently earned. Department heads will forward requests to the servicing HRO for review and approval.

i. Bone Marrow or Organ Donor Leave. An employee may use up to 7 days of paid leave each calendar year to serve as a bone marrow donor. An employee also may use up to 30 days of paid leave each calendar year to serve as an organ donor. Supporting medical documentation is required. Leave for bone marrow and organ donation is a separate category of leave that is in addition to annual and sick leave.

7. Family and Medical Leave Act (FMLA). The FMLA provides employees who have one year of continuous service the entitlement to 12 administrative workweeks of unpaid leave during any 12-month period for one or more of the following reasons:

- a. Birth and/or care of a child of the employee.
- b. The placement of a child with the employee for adoption or foster care.
- c. The care of a spouse, child, or parent of the employee if such individual has a serious health condition.
- d. A serious health condition of the employee that makes the employee unable to perform the essential functions of his/her position. The condition must require an absence from work, school, or other regular daily activities of more than three calendar days. The employee may elect to substitute paid time off annual leave, sick leave, comp time for all or part of the period. Sick leave may be used if not previously utilized in its



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entirety under paragraph 6d. In other words a total of no more than 12 weeks of sick leave can be utilized under these programs. For the situations in paragraphs 8c and d, medical certification which meets the requirements of the FMLA must be provided in a timely manner. Employees must provide notice of intent to take Family and Medical Leave not less than 30 days before leave is to begin or in emergencies as soon as is practicable.

8. LWOP. LWOP is a temporary absence from duty in a non-pay status which may be granted upon the employee's request, at the discretion of the supervisor. It does not include non-pay status on days for which the employee would be compensated on an overtime basis. As a basic condition to approval of extended LWOP, there should be reasonable expectation that the employee will return to work at the end of the approved period. In addition, it should be apparent that a grant of LWOP would result in increased job skills; protection or improvement of the employee's health; retention of a desirable employee or furtherance of a program of interest to the government. Employees who are eligible family members of federal employees required to move on rotational assignments, or in a transfer of function or relocation of an activity, will be granted one year of LWOP upon request, in order to seek federal employment at the new location. For employees injured on the job, LWOP for up to one year will be granted while receiving injury compensation under 5 U.S.C. 8101. LWOP for more than 30 days must be documented in the Official Personnel Folder by a Standard Form 50. Employees have an entitlement to LWOP in the following situations:

a. Under the FMLA (paragraph 7)

b. The Uniformed Services Employment and Reemployment Rights Act of 1994 (Pub. L. 103-353) provides employees with an entitlement to LWOP when employment with an employer is interrupted by a period of service in the uniformed service. (See 5 CFR 353.106.).

c. Executive Order 5396, 17 July 1930, provides that disabled veterans are entitled to LWOP for necessary medical treatment.

9. Home Leave. Home leave is earned at the rate of five days for each year of service in Italy. Employees are entitled to use home leave only after they have completed a basic service period

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of 24 months of continuous service abroad. Home leave is for use only in the United States, in the Commonwealth of Puerto Rico, or in the territories or possessions of the United States, provided the employee returns to the overseas duty station. Such leave may be accumulated for future use without specific limitations, but shall not be made the basis of any terminal leave or lump-sum payment. Employees who return to the United States, the Commonwealth of Puerto Rico, or one of the territories or possessions of the United States for leave purposes will be required to use any available accrued home leave before they may be authorized to use annual leave, except where such practice will result in the forfeiture of excess annual leave. Home leave may not be used in conjunction with a permanent change of station.

10. Administrative Leave. The term "administrative leave", while not officially recognized in law or executive order, is used to refer to an authorized absence from duty with pay and without charge to leave. There are numerous instances when employees may be excused and are considered to be in a duty status after requesting and receiving the supervisor's permission. Examples of such absences include special emphasis examinations to determine fitness for duty, merit promotion job interviews within the Navy and appointments with HRO for services. Additional examples of appropriate uses for administrative leave are as follows:

a. Blood Donation. Employees who donate blood may be granted excused absence to cover travel to and from the donation site, the actual donation of blood, and recovery. This provision does not cover an employee who gives blood for his or her own use or receives compensation for giving blood. Generally, the maximum excused time will not exceed four hours.

b. Tardiness and Brief Absence. Excusal for tardiness and brief absences is limited to periods of less than one hour and should be considered and granted on an individual basis.

c. Taking Examinations and Employment Interviews. This applies to examinations and interviews given by or taken at the request of the activity, and for all examinations required for converting Temporary Appointment Pending Establishment of a Register (TAPER) appointments to career-conditional.

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d. Permanent Change of Duty Station (PCS). Employees (sponsors) authorized PCS within the Department of Defense (DoD) may be granted excused absence before departing the old duty station and following arrival at the new duty station to accomplish personal tasks resulting from the move (e.g., to close or open personal bank accounts; obtain State driver's license or car tags). In similar situations, employees coming to the Department of Defense from other Federal Agencies may also be granted excused absence after the employee is placed on DoD's employment roll. This provision does not cover time involved in complying with PCS requirements such as obtaining passport and vaccinations, adhering to government housing authority requirements, or being present for packing and receiving of household goods, which should normally not exceed one day. Accomplishing tasks that are conditional to the PCS is considered to be an official duty.

e. Closing an Activity

(1) Commands are authorized to close all or part of an activity consistent with the policy established in reference (b). Such authority will be used sparingly to cover only short periods of time, normally not to exceed three consecutive work days for any single period of absence. An activity may be closed under this authority, when:

(a) Normal operations of an establishment are interrupted by unforeseen events beyond the control of management.

(b) For managerial reasons, the closing of an establishment, or portions of it, is required for short periods of time.

(c) It is in the public interest to relieve employees from work to participate in civil activities encouraged by the government.

(2) This authority may not be used for periods of interrupted or suspended operations which would ordinarily be covered by the scheduling of leave, furlough, or the assignment of other work. It may not be used to excuse employees before a holiday; for example on Christmas or New Year's Eve. Such

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excusals may only be authorized by the President of the United States by Executive Order. Group dismissal authority will not be used to create a holiday.

(3) To assure uniform treatment of employees similarly affected in each of the activities serviced by HRO, heads of activities should consult with their servicing HRO before arriving at a decision to close an activity.

11. Military Leave. Employees whose appointment is not limited to one year who are members of the Armed Forces Reserve or National Guard are entitled to military leave of absence (without loss of pay or charge to leave) for active duty, active duty training, inactive duty training, or engaging in field or coast defense training. Military leave accrues for an employee at the rate of 15 calendar days per fiscal year and should be credited to a full-time employee on the basis of an eight hour workday. The minimum charge to leave is one hour. An employee may be charged military leave only for hours that the employee would otherwise have worked and received pay. There is no charge of military leave for non-duty time (weekends and holidays). An employee who requests military leave for inactive duty training will be charged only the amount of military leave necessary to cover the period of training and necessary travel. Part-time employees accrue military leave on a pro-rated basis. Any unused military leave at the end of the fiscal year (up to 15 calendar days) is carried forward for use in addition to the 15 days credited at the beginning of the new fiscal year. Therefore, a full-time employee may have up to 30 calendar days of military leave for use during a fiscal year. However, an employee who has more than 15 calendar days of unused military leave must use the excess amount of leave before the end of the fiscal year in order to avoid forfeiture. Employees who elect to use military leave will receive full compensation from their civilian position for each workday charged to military leave, in addition to their military pay for the same period. To substantiate leave charges, an employee is required to submit a copy of the orders directing him/her to active military duty and a certified verification of attendance indicating completion of training duty upon return to duty from military leave.

12. Court Leave. Court leave is the authorized absence, without charge to leave or loss of pay, of an employee from work status

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for: (1) jury duty; (2) attending judicial proceedings in a non-official capacity as a witness on behalf of a state or local government in the United States; or (3) on behalf of a private party in connection with any judicial proceeding to which the United States, the District of Columbia, or a State or local government is a party. Employees called as witnesses in a non-official capacity when the party is not the United States, the District of Columbia, or a U.S. state or local government will be charged annual leave or LWOP.

  
B. L. GRAY

Distribution:

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Lists I; II; III (less 10.12.23.

27.39.30.34.35.36.37); IV (1.2.6.10);

V (1 only)